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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,857	04/25/2001	Harry M. Gilbert	114292.1681	7218

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EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,857

Applicant(s)

GILBERT ET AL.

Examiner

Charles E Anya

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-19 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-19 are pending in this application.

Specification

2. Applicant's application filed on 4/25/01 includes a section described as "Miscellaneous, Examiner would request the Applicant to clarify the section marked "Miscellaneous" with reference to the specification (i.e. It is uncertain whether this "Miscellaneous" is required to make the invention work and how it relates to the specification). The "Miscellaneous" referred to is Appendix A.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,4,5,7,10,11,13,15,18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,375,219 to Okabe in view of U.S. Pat. No. 592,664 to Starkey.

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5. As to claim 1, Okabe teaches a computer-assisted method of facilitating communication between a plurality of computer (Unit A/B figure 2), comprising the steps of: performing a storage operation (Col. 2 Ln. 25) from a first computer to a first data element included within a data memory wherein the data memory is shared by a plurality of computer, the plurality of computers comprising at least the first computer and a second computer and providing the second computer with a signal responsive to the storage operation (Col. 2 Ln. 24 - 26).

6. Okabe is silent with reference to the communication between computer software applications and the storage operation is to a data element included within a data set.

7. Starkey teaches the communication between computer software applications (Col. 4 Ln. 38 = 51) and the storage operation is to a data element included within a data set (Col. 4 Ln. 38 - 42, Col. 6 Ln. 30 - 37).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Starkey and Okabe because the teaching of Starkey would improve the system of Okabe by providing notification when certain data has been modified (Starkey Col.6 Ln. 43- 47).

9. As to claim 4, Okabe as modified teaches the method of claim 1, comprising the additional steps of identifying at least one additional computer software application that is in communication with the data set and delivering the signal to the at least one additional computer software application (figure 3 Ln. 1 - 48).

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10. As to claim 5, Okabe as modified is silent with reference to the method of claim 1, wherein identifying information relating to the second computer software application is not required by the first computer software application.

11. Starkey teaches the method of claim 1, wherein identifying information relating to the second computer software application is not required by the first computer software application (Col. 16 Ln. 35 - 53).

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Starkey and Okabe because the teaching of Starkey would improve the system of Okabe by providing a means of initializing processes (Starkey Col.16 Ln. 29 - 35).

13. As to claim 7, Starkey teaches the method of claim 1, wherein the first data element is representative of a name, a dimension, a size, a command, a status, or a link (Col. 6 Ln. 30 - 41).

14. As to claim 10, Starkey teaches the method of claim 1 wherein the data set is capable of being copied, revised, or deleted by a user (Col. 11 Ln. 5 - 6).

15. As to claims 11 and 19, see the rejection of claim 1.

16. As to claim 13, see the rejection of claim 4 above.

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17. As to claim 15, see the rejection claim 7 above.

18. As to claim 18, see the rejection of claim 10 above.

19. Claims 2,3,6,8,9,12,14,16 and 17 are rejected under 35 U.S.C. 103(a) as being patentable over U.S. Pat. No. 5,375,219 to Okabe in view of U.S. Pat. No. 5,592,664 to Starkey as applied to claim 1 above, and further in view of U.S. Pat. No. 5,446,841 to Kitano et al.

20. As to claim 2, Okabe is silent with reference to the method of claim 1, comprising the additional steps of: storing, from the second computer software application to the first data element, an acknowledgment responsive to the signal and delivering, from the first data element to the first computer software application, a response corresponding to the acknowledgment.

21. Kitano teaches the method of claim 1, comprising the additional steps of: storing, from the second computer software application to the first data element, an acknowledgment responsive to the signal and delivering, from the first data element to the first computer software application, a response corresponding to the acknowledgment (Col. 6 Ln. 44 - 67, figure 12 Col. 11 Ln. 1 - 13).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kitano and Okabe because the

teaching of Kitano would improve the system of Okabe by providing a means of indicating when the shared memory is ready to accept new data.

23. As to claims 3 and 12, see the rejection of claim 2.

24. As to claim 6, Okabe as modified teaches the method of claim 1, wherein a delivering step and the providing step are performed at a data transfer rate that is substantially equal to the highest data transfer rate available to any computer software application that is in communication with the data set (Co1. 3 Ln. 42 - 48).

25. As to claim 8, Okabe as modified is silent with reference to the method of claim 1, wherein the first data element corresponds to link to a second data element, each of the data elements includes attributes, and the attributes of the second data element relate to and differ from the attributes of the first data element.

26. Kitano teaches the method of claim 1, wherein the first data element corresponds to link to a second data element, each of the data elements includes attributes, and the attributes of the second data element relate to and differ from the attributes of the first data element (figure 1 Col. 4 Ln. 37 - 59).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kitano and Okabe because the teaching of Kitano would improve the system of Okabe by providing a means of identifying calling and called processors (Kitano Col. 4 Ln. 51 - 59).

28. As to claims 9,16 and 17, see the rejection of claim 8 above.

29. As to claim 14, see the rejection of claim 14 above.

Response to Arguments

30. Applicant's arguments filed 7/19/04 have been fully considered but they are not persuasive.

In the remarks, Applicant argued in substance that (1) the Okabe prior art reference does not teach communication between computer software applications; (2) neither the Okabe prior art reference nor the Starkey prior art reference teaches storage operation.

Examiner respectively traverses Applicant's remark:

A. As to point (1), the present rejection is a 103 rejection and as such any one of the two prior art references should not be interpreted in isolation of the other. It is well taken that the Okabe prior art reference teaches communication between hardware units (Unit A and unit B) rather than communication between software applications, however the Starkey prior art reference is used in part to meet the limitation of communication between software applications. As Applicant rightfully acknowledged, column 4, lines 38 – 42 of Starkey describes a database management system where applications/processes pass communication messages/notifications (remarks: page 10 lines 15-19).

B. As to point (2), the writing operation (Col. 2 Ln. 22 – 29) of Okabe is a storage operation. This notwithstanding, as Applicant rightfully pointed out Starkey teaches

altering prestored information or application/process causing database manager to modify fields in a database. These alteration/modification of information/fields are storage operation and as such covers claim language.

Conclusion

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya
Examiner
Art Unit 2126

cea.


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